United Nations A/ES-10/535–S/2011/645

General Assembly
Security Council

Distr.: General
18 October 2011

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-sixth year

Identical letters dated 17 October 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

We write to express our grave concern and total objection to the illegal unilateral actions that continue to be aggressively perpetrated by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem. In flagrant contradiction of all relevant provisions of international law and of the efforts being exerted by the international community to revive the peace process, Israel continues its rabid settlement campaign, colonizing the Territory and harming the chances for a resumption of the political process.

On Friday, 14 October 2011, Israel, the occupying Power, authorized the construction of 2,610 illegal settlement units in the Beit Safafa neighbourhood of Occupied East Jerusalem. This plan is part of an ongoing Israeli effort to expand the illegal settlements in Occupied East Jerusalem at an unprecedented rate. The illegal settlement "Givat Hamatos" is of particularly grave concern, as its expansion will complete the cordon of illegal settlements built by the occupying Power around East Jerusalem in an attempt to sever its connection with the rest of the West Bank.

We reaffirm that, under international law, all Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, are illegal and constitute a grave violation of Israel's obligations as an occupying Power. Such actions are also contradictory to Israel's obligations under the road map to freeze all settlement activities. Further, there is an international consensus that these unilateral actions undermine the viability of the two-State solution and constitute a serious obstacle to peace. In this regard, we view Israel's insistence on colonizing the Palestinian land by expanding the settlement regime as a clear indication that this Government is neither committed to peace nor willing to respect international law, including United Nations resolutions.

Clearly, the latest Israeli settlement announcement is not an isolated event, as reflected in our recent letters to you on this matter and the relevant reports of United Nations bodies and agencies. The construction of approximately 30,000 new

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settlement housing units in Occupied East Jerusalem is either ongoing or in the final planning stages. Such illegal actions are clearly aimed at altering the status, character and demographic composition of the occupied city. Indeed, in addition to illegally confiscating land and constructing settlements, Israel continues to apply a host of other illegal measures aimed at driving out the indigenous Palestinian population, including the demolition of homes (the occupying Power has demolished at least 31 Palestinian residential buildings, leaving 106 Palestinian civilians, including 61 children, homeless since the start of this year), the revocation of residency rights, the continued closure of Palestinian institutions in the city and the recent decision to ban social activists from travelling to other parts of the West Bank, effectively severing them from their work and familial relations with their natural surroundings.

Today, I must also call your attention once again to the critical situation of Palestinian prisoners as a result of the ongoing hunger strike, entered into on 27 September 2011 in protests of the punitive and illegal measures taken against them by the occupying Power, foremost of which the solitary confinement policy. Most regrettably, the health situation of the prisoners participating in the hunger strike, today in its twenty-first day, has gravely deteriorated. We express our serious concern for the prisoners' well-being and fear for the lives of some of them, such as Ahmad Saadat, who is said to be gravely ill. Mr. Saadat has been kept in solitary confinement since 2006 and, like many of the prisoners, has already lost over 10 kg during the hunger strike.

We hold Israel, the occupying Power, fully responsible for the lives and well-being of all the Palestinian prisoners who have resorted to this peaceful measure of protest against Israel's extreme abuse and intransigence. We call on the international community to take all possible measures, in accordance with international law, to compel the occupying Power to halt its illegal measures and ill-treatment of Palestinian prisoners and to urgently allow access to the Palestinian prisoners in Israeli jails and detention centres to ensure that they are receiving proper medical care and are not forced to endure inhumane treatment and conditions.

Persistent Israeli violations of international law, United Nations resolutions and all international commitments made, particularly through the destructive settlement campaign throughout the Occupied Palestinian Territory, including East Jerusalem, continue to poison the environment between the two sides and, if not ceased, will sabotage the efforts to resume the political progress aimed at achieving the two-State solution on the basis of the pre-1967 borders. The contiguity and integrity of the Territory is being marred with every passing day by these illegal Israeli policies and practices, as is the viability of the two-State solution itself. The time for action by the international community to reverse this downward spiral is now, and we urge all concerned, including the Security Council, to uphold the law and their responsibilities before the prospects for peace slip even further.

The present letter is in follow-up to our previous 406 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 10 October 2011 (A/ES-10/534-S/2011/629) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State

terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2011/646

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Letter dated 17 October 2011 from the Permanent Representative of Kenya to the United Nations addressed to the President of the Security Council

I write to inform you that Kenya, with the concurrence of the Transitional Federal Government of Somalia, has been compelled to take robust, targeted measures to protect and preserve the integrity of Kenya and the efficacy of the national economy and to secure peace and security in the face of the Al-Shabaab terrorist militia attacks emanating from Somalia.

Kenya has been facing serious challenges emanating from the collapse of the State of Somalia over the past two decades. The situation has worsened of late, following the unprecedented escalation of threats to the country's national security. Kenya has suffered dozens of incursions that were repulsed by its military and police forces. Scores of Kenyans have lost their lives over the past 36 months in border towns and communities owing to terrorist actions and incursions from Al-Shabaab militants.

The violent and incessant infringement and violation of Kenya's territory, which has been reported over a long period of time by the international media, can no longer go unchecked.

In the light of the foregoing, Kenya, in direct consultations and liaison with the Transitional Federal Government in Mogadishu, has, after the latest direct attacks on Kenyan territory and the accompanying loss of life and kidnappings of Kenyans and foreign nationals by the Al-Shabaab terrorists, decided to undertake remedial and pre-emptive action.

Kenya, whenever necessary, will pursue back into Somalia the terrorist elements that have transgressed the Kenyan boundaries and carried out acts of kidnapping, terror and murder and disrupted international humanitarian efforts.

The Government will secure the common border with Somalia as expected of it by the citizens of Kenya.

The joint communiqué, which was issued at the conclusion of a meeting held on 18 October 2011 between the Government of Kenya and the Transitional Federal Government of Somalia, is attached for information and reference (see annex).

I would be grateful if the present letter and its annex could be issued as a document of the Security Council.

(*Signed*) Macharia **Kamau**
Ambassador
Permanent Representative

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Annex to the letter dated 17 October 2011 from the Permanent Representative of Kenya to the United Nations addressed to the President of the Security Council

Joint communiqué issued at the conclusion of the meeting between the Government of Kenya and the Transitional Federal Government of Somalia

On 18 October 2011, H.E. Sheikh Sharif Sheikh Ahmed, President of the Transitional Federal Government of Somalia, received and held crucial talks with the Kenyan delegation led by the Hon. Moses Wetang'ula, Minister for Foreign Affairs of the Republic of Kenya, in Mogadishu, Somalia. The Kenyan delegation also included the Hon. Mohammed Yusuf Haji, Minister of State for Defence of the Republic of Kenya.

Prior to the meeting with the President, the delegation was also received by the Prime Minister and held a session with key members of his Cabinet.

The meeting with the President was convened against the backdrop of the growing spate of armed attacks by the Al-Shabaab elements on Kenya.

The meeting deliberated on the current situation on the ground, and noted as follows:

- That the prolonged situation of crisis and conflict in Somalia, resulting from the collapse of the Somali State in 1991, has progressively mutated into a myriad of threats to the Somali population, neighbouring States, the region and the international community
- The region, through the Intergovernmental Authority on Development and the African Union, has consistently called upon the international community to focus serious attention on these growing threats; however, most of these pleas have been met with inadequate, inconsistent and unsustainable support
- The security situation in Somalia improved following the defeat of Al-Shabaab after six months of intensive military operations by the Transitional Federal Government (TFG) and the forces of the African Union Mission in Somalia and their subsequent withdrawal from Mogadishu on 6 August 2011. However, the Al-Shabaab group has since regrouped and is posing a significant threat to peace and security in Somalia and throughout the region
- Further, the Al-Shabaab relocation towards Lower Juba, near the border, has seen some of its elements infiltrate into Kenya and commit heinous crimes, including abducting foreign nationals within Kenya, attacking civilians, destroying property and obstructing humanitarian efforts for the more than 600,000 refugees hosted in the Dadaab complex; more fundamentally, these activities increasingly pose threats to public safety and security within Kenya, create anxiety among the populations and negatively impact Kenya's economy
- The recent spate of blatant attacks is indicative of a changed strategy by Al-Shabaab calculated to terrorize civilians; this warrants decisive action to forestall the threats of Al-Shabaab elements to humanitarian operations, to restore security in the border areas and to ensure that insurgents do not launch attacks against Kenya, the region and beyond

Based on the discussion, the two sides agreed that Al-Shabaab constitutes a common enemy to both countries, and therefore, they should evolve a common political and security strategy to address this threat. In this regard, they agreed to:

1. Continue working together to stabilize Somalia and to stamp out the threats of the Al-Shabaab elements, especially terrorism, piracy, abductions, extortion, ransom demands and other international crimes.

2. Cooperate in undertaking security and military operations, and to undertake coordinated pre-emptive action and the pursuit of any armed elements that continue to threaten and attack both countries. In this regard, both sides agreed to revamp the joint mechanism to ensure enhanced cooperation and coordination in all aspects.

3. Reaffirm their commitment to continue to work together in urging the international community to favourably consider the recommendations and decisions of the Intergovernmental Authority on Development and the African Union in relation to strengthening the Peace Support Operation in Somalia.

4. Express their determination to strengthen the existing cooperation between the two sides. In this regard, they agreed:

(a) To facilitate cooperation among communities along the common border on matters of mutual interest;

(b) To cooperate and collaborate in the sharing and exchange of information that is relevant to the fight against cross-border crimes;

(c) To continue working with the international community in the implementation of peace support operations as well as humanitarian action in Somalia.

5. Reaffirm their obligations to defend the sovereignty and territorial integrity of both countries from internal and external threats.

6. H.E. Sheikh Sharif Sheikh Ahmed, President of Somalia, reaffirmed the commitment of the Transitional Federal Government to fully implement the Kampala Accord of 9 June 2011.

Done in Mogadishu, on this 18th day of October 2011

For the Government of the Republic of Kenya
(*Signed*) The Hon. Moses M. **Wetang'ula**, EGH, MP
Minister for Foreign Affairs

For the Transitional Federal Government of Somalia
(*Signed*) H.E. Hussein Arab **Isse**
Deputy Prime Minister and Minister for Defence